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JANINA M. ELDER

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

DEMAS WAI YAN
aka Dennis Yan
SS # xxx xx 5968

Debtor

JANINA M. ELDER, Trustee
Plaintiff

v.

547 23RD AVENUE LLC,

Defendant

Case No. 04-33526 TCJE

Chapter 7

AP #

**COMPLAINT FOR VIOLATION OF AUTOMATIC STAY
AND FOR DECLARATORY RELIEF**

COMES NOW, Plaintiff, Janina M. Elder, trustee of the above-referenced bankruptcy estate, and alleges as follows:

JURISDICTION

1. Jurisdiction over this action exists pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334, and venue is proper pursuant to 28 U.S.C. § 1409.
2. This adversary proceeding is a core matter pursuant to 28 U.S.C. § 157.

1 that the deed conveying title to Defendant is void as a matter of law and without effect.

2 12. A judicial determination is necessary to restore title to the bankruptcy estate in the
3 public records.

4 WHEREFORE, Plaintiff prays for judgment against Defendant as is hereinafter set forth .

5 **PRAYER**

6 1. For judgment against the Defendant that the purported transfer of the Property to
7 Defendant is void;

8 2. For judgment against the Defendant declaring title to the Property to be held by
9 Janina M. Elder as trustee for the bankruptcy estate of Demas Wai Yan;

10 3. For costs of suit;

11 4. For such other and further relief as the Court deems appropriate.

12 DATED: This 16th day of April, 2008.

13 STROMSHEIM & ASSOCIATES

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15 /s/ Joanne LaFreniere
16 Attorneys for Plaintiff,
17 JANINA M. ELDER, Trustee
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